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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,851	01/25/2001	Timo Saarnimo	208285	5503

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NEW YORK, NY 10036-5803

EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

6

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/769,851

Applicant(s)

SAARNIMO, TIMO

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 13, 15, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Itakura et al (US006278873B1).

With respect to claim 1, Itakura discloses a wearable device (see figure 2) comprising:

One or more circuit substrates comprising electrically conductive parts being disposed in at least a first plane (see figure 1 and item 9);

A radio unit operating at a radio frequency (see figure 1 and item 15);

A loop antenna coupled to the radio unit (see figure 2 and item 15 and 24), the loop antenna comprising a conductor formed into a loop defining an area and being disposed in a second plane; wherein the electrically conductive parts of at least one of said one or more circuit substrates substantially act as a ground plane (see figure 2 and item 14) causing a ground plane effect for the loop antenna and wherein said first plane is substantially coplanar with said plane and such that at least the electrically conductive parts of said at least one circuit substrate are within said area defined by the loop when observed in plan view minimizing the ground plane effect of the electrically conductive parts of said at least one circuit substrate on the loop antenna (see column 5 and lines 43-67).

With respect to claim 2, Itakura further discloses the radio unit is mounted on one of said one or more circuit substrates (see figure 1 and item 15).

With respect to claim 3, Itakura further discloses that said at least one circuit substrate (figure 2 and item 14) is positioned entirely within the area defined by the loop, when said at least one circuit substrate and the loop are observed perpendicularly with respect to the second plane.

With respect to claim 4, Itakura further discloses that the loop antenna is formed on the periphery of said at least one circuit substrate (see figure 2 and item 24 and 14).

With respect to claim 5 -7, Itakura further discloses that the loop antenna is coupled to the radio unit via balancing means in which comprises a balancing transformer and conduct between the radio unit and antenna (see figure 1 and items 23a, 24a and 25).

With respect to claim 13, Itakura further discloses at least one circuit substrate is a printed circuited board (see figure 1 and item 14).

With respect to claim 14, Itakura further discloses that the radio unit comprise a radio receiver and/or a radio transmitter (see column 6 and lines 22-27).

With respect to claim 16, Itakura further discloses the wearable device comprises a display unit (see figure 1 and item 13).

With respect to claim 17, 18, Itakura further discloses the wearable device comprises a watch circuit with computer function (see figure 1 and item 14).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura et al (US006278873B1) in view of Bolanos et al (US005926144A).

With respect to claim 8, Itakura doesn't disclose that said at least one circuit substrate and the second plane have a maximum vertical distance of about 0.1 times a wave length corresponding to the radio frequency that the radio unit operates at wherein the vertical distance is measured perpendicular to the second plane.

Bolanos et al discloses that at least 1.8 mm ( $\geq 1.8\text{mm}$ ) is needed between two planes at an operating frequency of 930 MHz (see column 4 and lines 30-45). The wavelength of 930 MHz is about 3 cm. Based on applicant's claim, the maximum vertical distance should be 3mm at an operating frequency of 930 MHz. It is within the range of at least 1.8 mm in which is asserted by Bolanos and the distance between the two planes is adjustable according to the manufacture.

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching Bolanos with Itakura such that a suitable distance between the planes is set to maximize the effect of antenna.

With respect to claim 9, Bolanos further discloses the loop antenna is coupled to radio unit via a balancing mean at two separate points located substantially 45-180 degree apart from each other on the conductor loop of the loop antenna with respect to the center of the conductor loop in order to enable the use of circular polarization (see column 4 and lines 50-65).

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With respect to claims 10, 11, Itakura further discloses that the loop antenna is coupled to the radio unit via balancing means in which comprises a balancing transformer and conduct between the radio unit and antenna (see figure 1 and items 23a, 24a and 25).

5. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura et al (US006278873B1) in view of Asano et al (US006255995B1).

Itakura doesn't disclose the detail about the length of the conductor of the loop antenna is substantially equal to a wavelength corresponding to the radio frequency that the radio unit operates at.

Asano discloses that the length of the conductor of the loop antenna is substantially equal to a wavelength corresponding to the radio frequency that the radio unit operates at (see column 2 and lines 49-60).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Asano with Itakura's device such that the effective antenna is maximized.

6. Claim 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura et al (US006278873B1).

With respect to claim 15, Itakura doesn't disclose the radio unit comprises a GPS receiver. The examiner takes "Official Notice" that is notoriously well known in the art to utilize a GPS receiver in order to assist the user to locate the present location.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to have a GPS receiver to assist the user to locate the present location.

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With respect to claim 19, Itakura doesn't disclose the wearable device comprise a wristwatch housing of electrically non-conducting material. The examiner takes "Official Notice" that is notoriously well-known in the art to have non-conducting material for wristwatch housing in order to resist water or reduce interference with the radio unit.


It would have been obvious to one ordinary skill in the art at the time invention was made to utilize the non-electrical conducting material with Itakura's device such as plastic material to resist water and reduce interference with the radio unit within the housing.

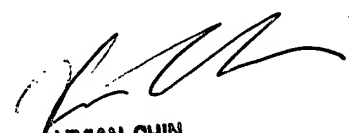
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
Yuwen Pan  
October 23, 2003

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600